

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|-------------------------------------|
| <p>HYUNDAI MOTOR FINANCE COMPANY, Plaintiff, -against- FALCON MOTORS, INC., SAEID TEHRANI, ARIEL TEHRANI, EDMOND GEULA AND EXECUTIVE MOTORS, LTD. Defendants.</p> | <p>Civil Action No.: 08-CV-1262</p> |
|---|-------------------------------------|

**TO: CLERK, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

REQUEST TO ENTER DEFAULT

1. F. Matthew Jackson, Esq., counsel for Plaintiff, Hyundai Motor Finance Company, requests that the Clerk of this Court enter the default of Saeid Tehrani, Ariel Tehrani and Executive Motors, Ltd., for their failure to plead or otherwise defend in a timely manner, as provided by Rule 55(a) of the Federal Rules of Civil Procedure. Plaintiff is not seeking entry of default regarding Defendant Falcon Motors, Inc., as a result of its bankruptcy filing, or Defendant Edmond Geula.

2. In support of this request, I have contemporaneously filed an Affidavit establishing that the Defendants have been properly served and failed to otherwise plead or respond to Plaintiff's Complaint within the applicable time.

WHEREFORE, Plaintiff respectfully requests that the Clerk enter the proposed

Certificate of Entry of Default.

Dated: July 8, 2008
Albany, New York

/s/ Matthew Jackson

F. Matthew Jackson, Esq.
DEILY, MOONEY & GLASTETTER, LLP
Counsel for Plaintiff,
Hyundai Motor Finance Company
8 Thurlow Terrace
Albany, NY 12203
Ph. (518) 436-0344
Fax (518) 436-8273
e-mail: mjackson@deilylawfirm.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|-------------------------------------|
| <p>HYUNDAI MOTOR FINANCE COMPANY, Plaintiff, -against- FALCON MOTORS, INC., SAEID TEHRANI, ARIEL TEHRANI, EDMOND GEULA AND EXECUTIVE MOTORS, LTD. Defendants.</p> | <p>Civil Action No.: 08-CV-1262</p> |
|---|-------------------------------------|

**AFFIDAVIT IN SUPPORT OF REQUEST TO ENTER
DEFAULT OF DEFENDANTS SAEID TEHRANI,
ARIEL TEHRANI AND EXECUTIVE MOTORS, LTD.**

STATE OF NEW YORK)
 : ss.:
COUNTY OF ALBANY)

F. Matthew Jackson, Esq., being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice law in the State of New York and in the United States District Court for the Southern District of New York.
2. I am fully competent to make this Affidavit and have personal knowledge of the facts stated in this Affidavit based on my representation of Plaintiff in this case.
3. Plaintiff's Complaint was filed on February 7, 2008, at which time the Clerk issued Summons to the above referenced Defendants.
4. Thereafter, the Summons and Complaint were duly served on each of the Defendants pursuant to Federal Rules of Civil Procedure. Copies of the Summons and Affidavits of Service are annexed hereto as Exhibit "A" and made a part hereof. Plaintiff filed each of the Affidavits of Service with the Court on February 25, 2008.
5. Defendants Saeid Tehrani, Ariel Tehrani and Executive Motors, Ltd. have each failed to file an Answer.

6. The deadline for responding to the Complaint has now expired and has not been extended by any stipulation of the parties or any Order of the Court.

7. Defendant Executive Motors, Ltd. could not be an infant or incompetent person within the meaning of Rule 55(a) of the Federal Rules of Civil Procedure because it is a corporation organized and existing under the Laws of the State of New York, with its principal place of business in Long Island City, New York. It is respectfully submitted that none of the other Defendants are an infant or an incompetent person. Said individuals are adults who are affiliated with or guarantors of Falcon Motors, Inc. and who participated in the management or operations of Falcon Motors, Inc.

8. The Defendants are not in the military service.

WHEREFORE, Plaintiff respectfully requests that the Clerk enter Default against Defendants Saeid Tehrani, Ariel Tehrani and Executive Motors, Ltd.

/s/ Matthew Jackson
F. Matthew Jackson, Esq.
DEILY, MOONEY & GLASTETTER, LLP
Counsel for Plaintiff,
Hyundai Motor Finance Company
8 Thurlow Terrace
Albany, NY 12203
Ph. (518) 436-0344
Fax (518) 436-8273
e-mail: mjackson@deilylawfirm.com

Sworn to before me this 8th day of July, 2008.

/s/ Linda M. Anderson
LINDA M. ANDERSON
Notary Public – State of New York
No. 01AN6006424
Qualified in Albany County
Commission Expires May 4, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|-------------------------------------|
| <p>HYUNDAI MOTOR FINANCE COMPANY, Plaintiff, -against- FALCON MOTORS, INC., SAEID TEHRANI, ARIEL TEHRANI, EDMOND GEULA AND EXECUTIVE MOTORS, LTD. Defendants.</p> | <p>Civil Action No.: 08-CV-1262</p> |
|---|-------------------------------------|

CERTIFICATE OF ENTRY OF DEFAULT

It appearing that Saeid Tehrani, Ariel Tehrani and Executive Motors, Ltd. are in default for failure to plead or otherwise defend as required by law.

Default is hereby entered as against said Defendants on this _____ day of _____, 2008.

Clerk, U.S. District Court

By: _____